LIMITED ENGLISH PROFICIENCY PLAN FOR

BERKSHIRE REGIONAL TRANSIT AUTHORITY

PITTSFIELD, MASSACHUSETTS

Updated August 2015

Background Information

Individuals with a limited ability to read, write, speak, or understand English are limited English proficient, or ‘‘LEP.” According to the 2011 American Community Survey (ACS) more than 13.5 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 35 percent from 2000 to 2011. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Tagalog, and Vietnamese.

Public transit is a key means of achieving mobility for many LEP persons. According to the 2000 Census, more than 11 percent of LEP persons aged 16 years and over reported use of public transit as their primary means of transportation to work, compared with about 4 percent of English speakers. Recent immigrants to the United States (including those persons who may not be limited English proficient) use public transportation at higher rates than native-born adults. Agencies that provide language assistance to persons with limited English proficiency in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers.

Catering to LEP persons may also help increase and retain ridership among the agency’s broader immigrant communities in two important ways: 1) agencies that reach out to recent immigrant populations in order to prepare a language implementation plan send a positive message to these persons that their business is valued; and 2) community outreach designed to identify appropriate language assistance measures can also assist the agency in identifying the transportation needs of immigrant populations.

Legal basis for language assistance requirements

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial

assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The U.S. DOT requires that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). DOT recommends that recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

Evaluation

The Four Factor Analysis

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the recipient to people's lives; and (4) the resources available to the recipient and costs.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The Berkshire Regional Transit Authority (BRTA) provides public transportation services to its 24 member communities within Berkshire County in the Western end of Massachusetts. Fixed route

service is provided by fourteen bus routes in 12 communities from Williamstown to Great Barrington and paratransit service is provided in 19 member communities. Almost one-third of the BRTA service is provided in rural communities (see the attached map outlining the BRTA fixed route service throughout Berkshire County referencing urban and non-urban areas). Only the City of Pittsfield and some adjacent census tracts in Dalton and Lanesborough are categorized as "urbanized area" by the US DOT's Federal-Aid program. Fixed route service is available weekdays from 5:45 AM to 7:15 PM and 7:15 AM to 7:00PM on Saturdays. The BRTA does not operate Sunday or late evening service. The following data is provided from the Berkshire Regional Planning Commission using 2008- 2012 American Community Survey information for Berkshire County detailing the number and percent of the population that speak English less than "very well".

Selected Social Characteristics in Berkshire County, MA	Estimate	Margin of Error (+/-)	Percent	Margin of Error (+/-)
LANGUAGE SPOKEN AT HOME				
Population 5 years and over	**124,865**	**25**	**124,865**	**(X)**
English only	115,538	615	92.5%	0.5
Language other than English	9,327	615	7.5%	0.5
Speak English less than "very well"	2,820	426	2.3%	0.3
Spanish	3,650	422	2.9%	0.3
Speak English less than "very well"	1,516	341	1.2%	0.3
Other Indo-European languages	4,291	517	3.4%	0.4
Speak English less than "very well"	807	198	0.6%	0.2
Asian and Pacific Islander	1,017	213	0.8%	0.2
Speak English less than "very well"	456	178	0.4%	0.1
Other languages	369	135	0.3%	0.1
Speak English less than "very well"	41	34	0.0%	0.1

Additional information was gathered from Berkshire Community College (BCC) and the Adult Learning Center (ALC) in Pittsfield regarding their transit dependent English as a Second Language (ESL) students. Berkshire Community College in a joint venture with Massachusetts College of Liberal Arts (MCLA) maintains classrooms within the BRTA's Intermodal Transportation Center for their day and evening curriculums as well as their main campus in Pittsfield and a satellite facility in Great Barrington.

BCC's 2013 Fall student enrollment is 2,400 students, of which 22 are ESL transit dependent or .92%. ALC serves the population of students seeking a high school equivalency diploma (HiSet), approximately 100 annually. Comprising the current student population are 45 ESL students, 45% of their current student population with 3-5 students using fixed route transportation daily or 7-11% of the ESL population and 3% -5% of the total student population. A total of 8-10 HiSet students use fixed route transportation daily or 8-10% of the total student population.

Factor 2: The Frequency with Which LEP Individuals Come In Contact with BRTA Programs, Activities and Services

As stated above, the ESL population in Berkshire County is a small percentage of the total population, 9,327 out of 124,865 or 7.5% with 2820 or 2.3% that speak English less than "very well". The transit dependent population that speak English less than "very well" is 29 out of 681 or 4.3% Therefore, .023% of the county wide population are transit dependent customers who speak English less than "very well" or 29 out of 124,865.

Given the census data above and in the table on page 11 show that Spanish speaking households with a "less than very well" English proficiency exceed the threshold of 1,000 in number or 5% of the total census, BRTA will provide Spanish translation of key materials including public notices and route schedules. The BRTA's website www.berkshirerta.com contains a language translator feature so the site content can be translated into many languages. Since all public notices involving BRTA services are posted to this website, they can be translated by any interested visitor. Some of the static PDF files imbedded within the website will be available in Spanish including fare information, ADA paratransit application, and general paratransit information guidelines.

Factor 3: The Importance to LEP Persons of BRTA Programs, Activity and Services

Most customer service requests are for schedule and route information and for the sale of tickets and passes. Most transit riders are regular users who use only a portion of the bus system for their daily travel, making routine trips, with little need for complex information. Thus, information requests for route and schedule information are most likely to be made by infrequent users or users new to using transit. This population could include recent immigrants in non-

English speaking households, and therefore it is important to have language resources ready to enable them to be served. The BRTA's website www.berkshirerta.com contains a language translator where basic information on routes, fares, and policies can be obtained and translated for LEP visitors. Recently 2 BRTA front line customer service representatives attended a Basic Spanish in the Workplace course to assist ESL visitors. Two maintenance staff at the Intermodal Transportation Center are bilingual and speak both English and Spanish.

Prior to the implementation of BRTA's new fare structure, introduction of the Charlie Card, and new Schedit & Bachmann farebox transition in January 2014 the instructional material was available in both English and Spanish.

Factor 4: The Resources Available to the Recipient and Costs

BRTA is a small urban public transit operator receiving federal funds for transit operation under Section 5307 and a small amount of Section 5311 rural transit operating funds. It is a sub-recipient of the Governors Apportionment of Section 5316 JARC and 5317 New Freedom funding administered through MassDOT.

The BRTA, in further developing this LEP Plan, will explore through the BCC/ MCLA partnership at the Intermodal Transportation Center additional resource capabilities for language assistance that may be offered throughout Berkshire County and the Commonwealth of Massachusetts. The most cost-effective language assistance can be provided orally through interpretation services. The BRTA has established a connection with the Immigration Center to assist with translation services, either via telephone or in person. With such a small population of LEP individuals likely to use transit, it is initially not cost effective to engage in translating and publishing route and schedule information into other languages. The BRTA did produce informational materials regarding the transition of the fare structure, Charlie Card and new fareboxes in response to a customer's request.

BRTA also has a relationship with the Adult Learning Center, located in an adjacent building, to proofread the translated materials to ensure the content is accurate. As many of the student attending classes at the Adult Learning Center are both transit dependent and have Limited English Proficiency, this outreach also ensures the public is informed about BRTA's services.

Training Staff

As stated above the BRTA has identified key staff to involve in training for communicating with LEP individuals. Two front line customer service staff completed the Basic Spanish in the Work Place course. BCC, the local community college, offers English as Second Language (ESL) classes annually and the BRTA will determine if additional staff should receive this training. BRTA will obtain and use the video "Breaking Down the Language Barrier: Translating Limited English Proficiency Into Practice", to use at staff and driver training meetings. Operators and staff with frequent public contact have been provided the Colorado DOT brochure "Basic Spanish for Transit Employees". The Immigration Center has agreed to assist with translation services, should they be required and contact information is posted at central customer contact locations in both facilities. Two maintenance staff at the Intermodal Transportation Center are bilingual and speak English and Spanish. Should the need arise for additional staff in the future, consideration will be given to candidates with bilingual capabilities.

Providing Notice to LEP Persons

BRTA provides the public announcements in alternative language formats to distribute on the BRTA transit vehicles and facilities as well as throughout the community via the Immigration Center, Adult Learning Center, and the affiliation with BCC.

Monitoring and Updating BRTA's LEP Plan

BRTA will review its LEP Plan at least every 3 years and seek to determine if changes have occurred in:

- Current LEP populations in the service area or population encountered;
- Frequency of encounters with LEP language groups;
- Available resources and sources of additional resources, and associated costs;
- Staff's knowledge of and understanding of the LEP Plan, language assistance resources, and how to serve LEP individuals;
- The identified sources of assistance, to determine their continued availability.

Information gathered in this review will be used to update the LEP Plan, no less often than every three years to coincide with BRTA's submission of a Title VI Update to regulatory agencies.

Notice of Non-Discrimination

The notice below is posted on transit vehicles and throughout the transit facilities in English and is available in the additional languages listed.

The BRTA complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in BRTA programs and activities, as well as in BRTA's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding BRTA's nondiscrimination policies may be directed to BRTA, One Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: Civil Rights Officer.

This notice will be made available in other languages.	English
Este aviso estará disponible en otros idiomas.	Spanish
Niniejsze obwieszczenie będą dostępne w innych językach	Polish
Questo avviso sarà resi disponibile in altre lingue	Italian
Este aviso será disponibilizado em outros idiomas	Portuguese
Это уведомление будет предоставляться на других языках.	Russian

Este aviso estará disponible en otros idiomas. **Spanish**

El BRTA cumple con las Americans with Disabilities Act de 1990, la sección 504 del Acta de rehabilitación de 1973, título VI de la ley de derechos civiles de 1964 y otras leyes federales igualdad de oportunidades y por lo tanto no discrimina en base de raza, sexo, color, edad, origen nacional, religión o discapacidad, en la admisión o acceso y tratamiento en BRTA programas y actividades, así como en BRTA está contratando o prácticas laborales. Las denuncias de presunta discriminación y consultas sobre política antidiscriminatoria de BRTA pueden ser dirigidas a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de los derechos civiles.

Niniejsze obwieszczenie będą dostępne w innych językach Polish

BRTA jest zgodny z Amerykanami z niepełnosprawnych ustawa z 1990 r., sekcji 504 ustawy o rehabilitacji z 1973 r., tytuł VI ustawy prawa obywatelskie prawa federalnego równych szans 1964 i innych i dlatego nie dyskryminacji ze względu na rasy, płci, kolor, wiek, pochodzenie, religię lub niepełnosprawności, czasowej lub dostęp do i leczenie w BRTA programów i działań, jak również w BRTA na wynajem lub praktyk zatrudnienia. Skargi o domniemanej dyskryminacji i zapytania dotyczące zasady niedyskryminacji w BRTA mogą być kierowane do BRTA, jeden Columbus Avenue, Apartament 201, Pittsfield, MA 01201 Attn: oficer praw obywatelskich.

Questo avviso sarà resi disponibile in altre lingue Italian

Il BRTA conforme l'Americans with Disabilities Act del 1990, sezione 504 del Rehabilitation Act del 1973, titolo VI del Civil Rights Act del 1964 e altre leggi federali pari opportunità e pertanto non discrimina sulla base di razza, sesso, colore, età, origine nazionale, religione o disabilità, di ammissione o di accesso e di trattamento in attività e programmi BRTA, come bene come in BRTA di assunzione o pratiche di occupazione. Denunce di presunte discriminazioni e richieste riguardanti le politiche di non discriminazione di BRTA possono essere indirizzate a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: ufficiale di diritti civili.

Este aviso será disponibilizado em outros idiomas Portuguese

O BRTA cumpre o Americans with Disabilities Act de 1990, seção 504 da lei de reabilitação de 1973, o título VI do acto de direitos civis de 1964 e outras leis federais de igualdade de oportunidades e, portanto, não discrimina com base em raça, sexo, cor, idade, nacionalidade, religião ou deficiência, na admissão ou o acesso e o tratamento em BRTA programas e atividades, como bem como BRTA está contratando ou práticas de emprego. Queixas de alegada discriminação e inquéritos sobre políticas de não discriminação do BRTA podem ser direcionadas para BRTA, um Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de direitos civis.

Это уведомление будет предоставляться на других языках. Russian

BRTA соответствует американцах-инвалидах закона 1990 года, статья 504 Закона о реабилитации от 1973 года, раздел VI Закона о гражданских правах 1964 и других законов

федерального равных возможностей и поэтому не допускает дискриминации по признаку расы, пола, цвета, возраста, национального происхождения, религии или инвалидности, в приеме или доступ к и лечение в BRTA программах и мероприятиях, а также в BRTA в найме или занятости практики. Жалобы о предполагаемой дискриминации и запросы относительно BRTA в политику недискриминации могут быть направлены на BRTA, один Columbus Avenue, Suite 201, Питтсфилд, Ma 01201 Attn: сотрудник по вопросам гражданских прав.

Documents translated

1. Notice of Non Discrimination
2. BRTA Fare Structure
3. BRTA Schedule (large print)

Documents to be translated

1. BRTA Schedule Fare Facts
2. Public notices posted in vehicles as occurring
3. Public notices posted in facilities as occurring
4. ADA Paratransit information guide and application

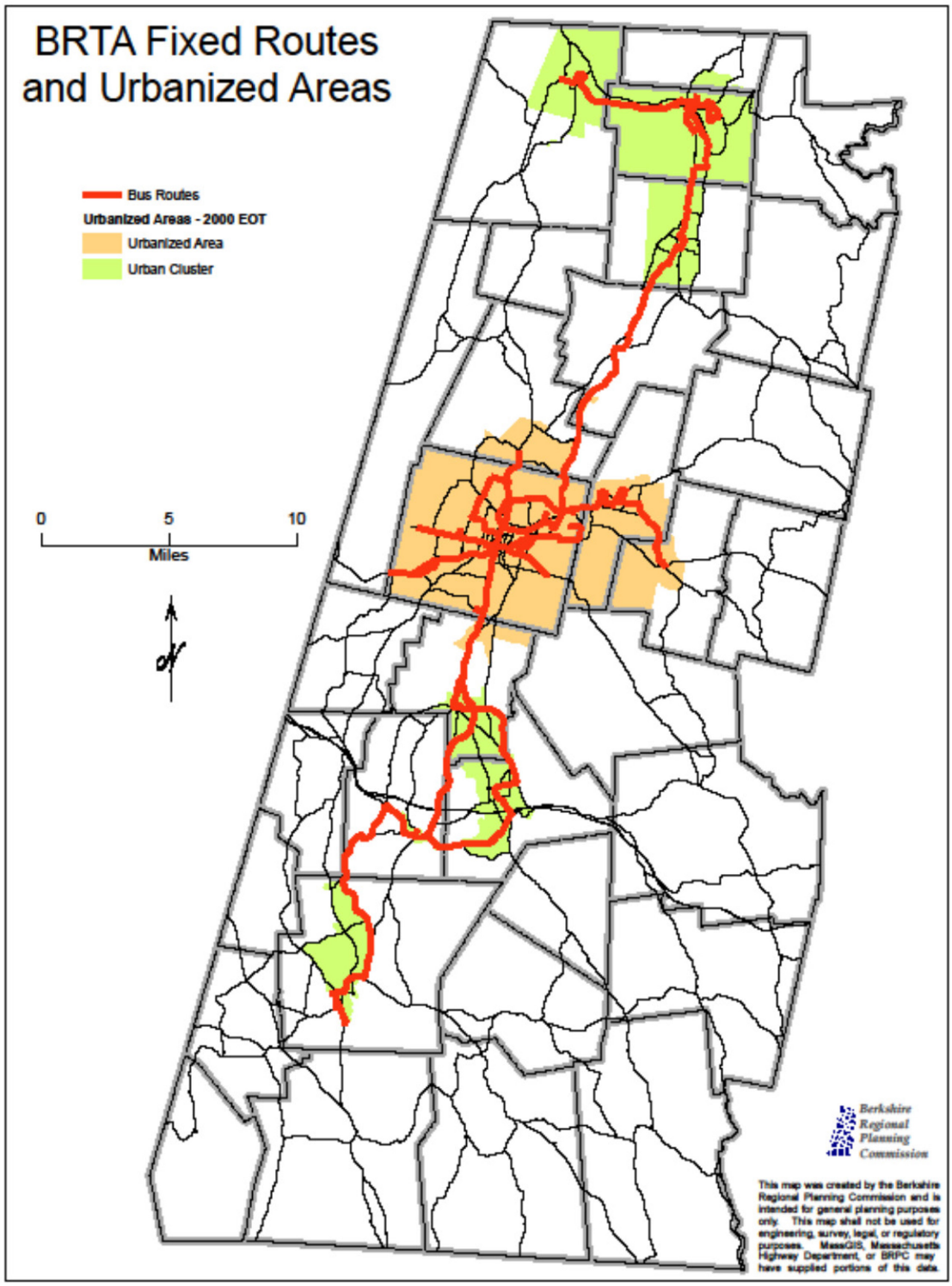
B08113: Workers 16 years and over

MEANS OF TRANSPORTATION TO WORK BY LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH

2008-2012 American Community Survey 5-Year Estimates

	United States		Berkshire County, Massachusetts	
	Estimate	**Margin of Error**	**Estimate**	**Margin of Error**
Total:	139,893,639	+/-138,411	61,090	+/-1,176
Speak only English	110,950,748	+/-164,789	56,275	+/-1,115
Speak Spanish:	17,632,756	+/-27,473	2,123	+/-391
Speak English "very well"	9,111,628	+/-24,965	1,098	+/-218
Speak English less than "very well"	8,521,128	+/-30,892	1,025	+/-337
Speak other languages:	11,310,135	+/-21,921	2,692	+/-353
Speak English "very well"	7,238,115	+/-17,279	2,048	+/-300
Speak English less than "very well"	4,072,020	+/-17,210	644	+/-187
Car, truck, or van - drove alone:	106,519,805	+/-114,512	48,187	+/-1,177
Speak only English	87,284,251	+/-128,958	44,837	+/-1,104
Speak Spanish:	11,677,881	+/-25,700	1,399	+/-377
Speak English "very well"	6,659,073	+/-20,982	886	+/-208
Speak English less than "very well"	5,018,808	+/-17,421	513	+/-259
Speak other languages:	7,557,673	+/-21,177	1,951	+/-304
Speak English "very well"	5,031,911	+/-15,158	1,458	+/-268
Speak English less than "very well"	2,525,762	+/-14,282	493	+/-135
Car, truck, or van - carpooled:	14,032,099	+/-61,424	5,523	+/-555
Speak only English	9,666,929	+/-54,198	4,753	+/-523
Speak Spanish:	2,930,080	+/-14,938	444	+/-152
Speak English "very well"	1,131,310	+/-11,496	87	+/-56
Speak English less than "very well"	1,798,770	+/-14,506	357	+/-148
Speak other languages:	1,435,090	+/-10,773	326	+/-137
Speak English "very well"	782,489	+/-8,531	222	+/-98
Speak English less than "very well"	652,601	+/-7,213	104	+/-100
Public transportation (excluding taxicab):	6,967,689	+/-19,769	681	+/-180
Speak only English	4,358,092	+/-12,966	583	+/-171
Speak Spanish:	1,466,431	+/-11,914	78	+/-68

Speak English "very well"	624,210	+/-6,601	49	+/-56
Speak English less than "very well"	842,221	+/-10,420	29	+/-40
Speak other languages:	1,143,166	+/-7,805	20	+/-20
Speak English "very well"	672,111	+/-6,503	20	+/-20
Speak English less than "very well"	471,055	+/-5,830	0	+/-29
Walked:	3,938,418	+/-17,554	3,063	+/-341
Speak only English	2,870,814	+/-13,318	2,783	+/-338
Speak Spanish:	596,096	+/-7,065	56	+/-41
Speak English "very well"	261,034	+/-3,973	15	+/-23
Speak English less than "very well"	335,062	+/-6,112	41	+/-34
Speak other languages:	471,508	+/-5,887	224	+/-91
Speak English "very well"	286,005	+/-4,478	219	+/-91
Speak English less than "very well"	185,503	+/-3,438	5	+/-8
Taxicab, motorcycle, bicycle, or other means:	2,457,999	+/-14,030	1,010	+/-201
Speak only English	1,773,366	+/-10,089	846	+/-151
Speak Spanish:	463,284	+/-6,757	120	+/-97
Speak English "very well"	165,599	+/-3,171	40	+/-40
Speak English less than "very well"	297,685	+/-5,978	80	+/-90
Speak other languages:	221,349	+/-3,560	44	+/-39
Speak English "very well"	136,759	+/-2,817	9	+/-14
Speak English less than "very well"	84,590	+/-2,434	35	+/-38
Worked at home:	5,977,629	+/-16,168	2,626	+/-320
Speak only English	4,997,296	+/-15,886	2,473	+/-289
Speak Spanish:	498,984	+/-6,161	26	+/-24
Speak English "very well"	270,402	+/-4,391	21	+/-22
Speak English less than "very well"	228,582	+/-4,885	5	+/-8
Speak other languages:	481,349	+/-5,751	127	+/-69
Speak English "very well"	328,840	+/-4,592	120	+/-66
Speak English less than "very well"	152,509	+/-2,640	7	+/-13


BRTA Fixed Routes
and Urbanized Areas
Bus Routes
Urbanized Areas - 2000 EOT
Urbanized Area
Urban Cluster
0
5
10
Miles
Berkshire
Regional
Planning
Commission
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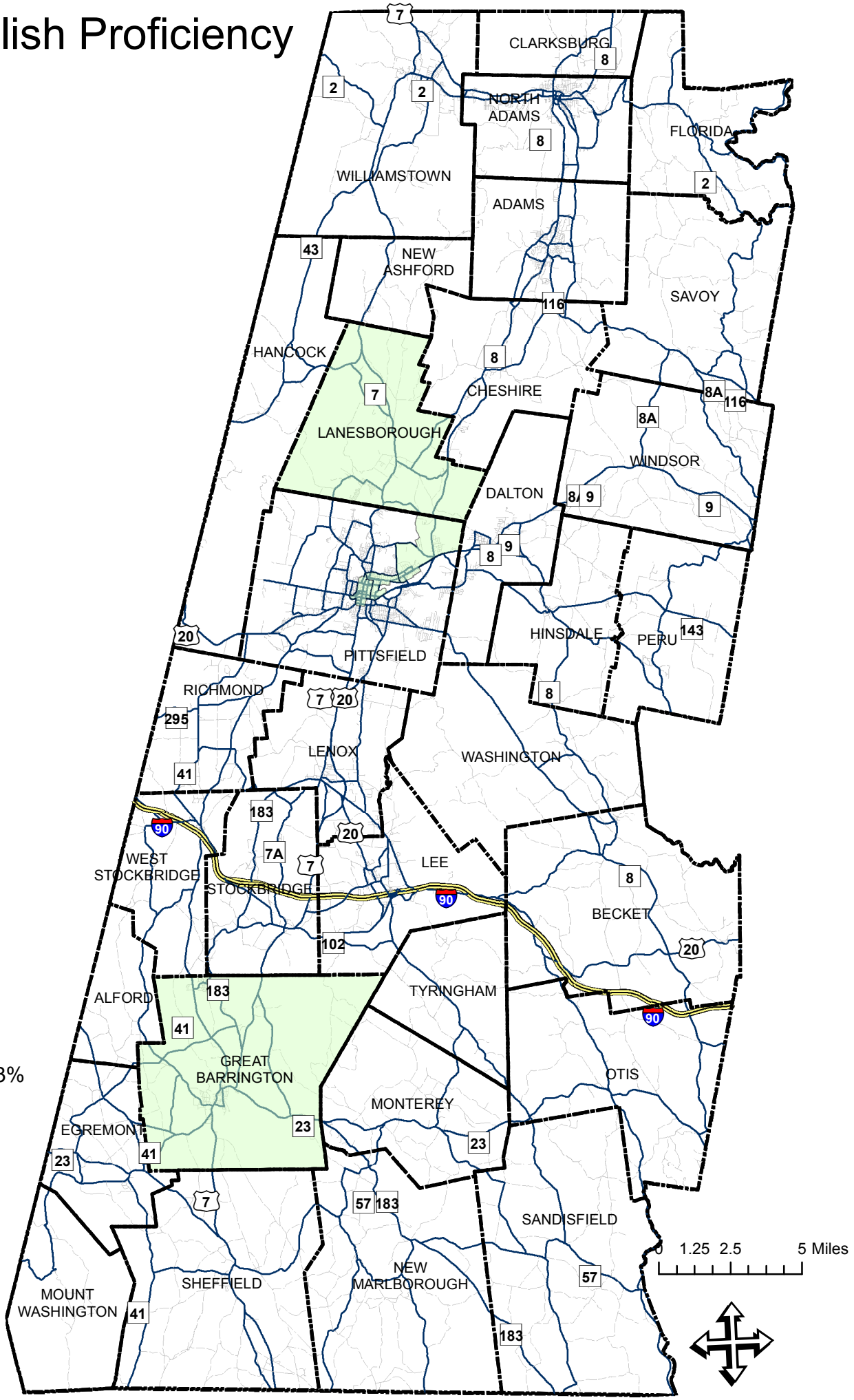
Limited English Proficiency



LEGEND

- LEP Population >3%
- Towns

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Berkshire Regional Planning Commission